IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2799 OF 2005

Damodhar Sambhaji Jadhav & Ors. ....Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

Mr. P.N. Joshi for the Petitioners

Mr. R.D. Rane, Additional Government Pleader, for the State.

CORAM: DALVEER BHANDARI, C.J., & S.A. BOBDE, J.
DATE: APRIL 29, 2005.

P.C.

1. Rule. Mr. R.D. Rane, the learned Additional Government Pleader, waives service of the Rule on behalf of the State. By consent, the Rule is made returnable forthwith and taken up for hearing.

2. By this petition, the petitioners are seeking a very limited relief, whereby the petitioners' applications, which are pending before the second respondent – Collector, Nashik – under Section 28-A of the

Land Acquisition Act, 1894 ("the Act", for short), may be decided expeditiously. It appears that pertaining to the Notification, which covers the land involved in this petition, on 12th May, 2003, the Reference Court has granted enhanced compensation. Based on the same, an application was filed under Section 28-A of the Act on 29th March, 2003.

3. In the aforesaid facts and circumstances, we direct respondent No.2 - Collector, Nashik – to decide the said application for enhancement of compensation under Section 28-A of the Act as expeditiously as possible, but preferably, within four months from the date of receipt of this order. While doing so, the second respondent shall take into account the decision of the Supreme Court in the case of *Union of India & Ors. v. Mangatu Ram,* reported in AIR 1997 SC 704.

4. No further directions are necessary. Rule is made absolute in the above terms. This writ petitions is accordingly disposed of.

CHIEF JUSTICE

S.A. BOBDE, J.